

STAFF REPORT

July 25, 2002

No. 02VR003 - Vacation of Right-of-Way

ITEM 38

GENERAL INFORMATION:

PETITIONER	John Johnson for First Western Bank Sturgis
REQUEST	No. 02VR003 - Vacation of Right-of-Way
EXISTING LEGAL DESCRIPTION	Lots 1 thru 16; Lots 21-28; Lots A, B, C, D, E, and F of Block 4, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.51 acres
LOCATION	Southwest corner of Omaha Street and West Boulevard
EXISTING ZONING	General Agriculture District w/Planned Commercial Development/Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District/Flood Hazard District
South:	Light Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	05/29/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Vacation of Right-of-Way be continued to the August 8, 2002 Planning Commission meeting to allow the affected utility companies to provide comments regarding the proposed vacation.

GENERAL COMMENTS:

This item was continued from the July 3, 2002 Planning Commission meeting. (Updates to the staff report are shown in bold.) The applicant has submitted this request to vacate an existing 20 foot alley right of way located within Block 5 of Riverside Addition, from 11th Street to West Boulevard. Block 5 of Riverside Addition is located at the intersection of West Boulevard and Omaha Street. The applicant has purchased all of the properties within Block 5 of Riverside Addition and intends to redevelop the entire block. The proposed vacation of the alley will provide the applicant with flexibility when choosing a building location and designing the parking and circulation areas.

STAFF REVIEW: Staff has reviewed the proposed Vacation request and noted the following considerations:

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Utility Company Responses: As of this writing, two of the five affected utility companies have responded in writing to the applicant's request to vacate the alley right of way. Midcontinent Communications has stated that they have no objections to the proposed vacation of right of way. However, Montana-Dakota Utilities Company has indicated that they currently have a four inch M-P(S) distribution main in the alley that will have to be retired prior to commencement of any construction within the alley. They have noted that the applicant will have to notify Montana-Dakota Utilities if the alley is vacated and the existing gas main is no longer needed in the current location. Staff is recommending that the Vacation of Right of Way request be continued to the July 25, 2002 Planning Commission meeting to allow the remaining three affected utilities to provide comments regarding the proposed vacation of right of way. **As of July 17, 2002 the remaining three utility companies have not yet responded to the applicant's request to vacate the alley right of way.**

Developmental Lot Status: Currently, Block 5 of Riverside Addition is comprised of thirty platted lots. The applicant has indicated that the block will likely be developed with one large building providing space for a bank and office lease space. However, the applicant has not provided specific plans for the redevelopment of the block including proposed access locations to the subject property from surrounding streets. Staff is concerned that the property could be redeveloped as several separate parcels independently operated requiring several access locations from surrounding streets. Therefore, staff is requesting that the applicant obtain developmental lot status for the subject property to insure that the property is developed as a single parcel, negating the need for alley access. **As of July 17, 2002 the applicant has not requested developmental lot status for the subject property.**

Sanitary Sewer: The Engineering Division has noted that a sanitary sewer main was reconstructed within the alley in 2001. The Engineering Division is requesting that the applicant submit a plan showing the location of all public and private utilities located within the alley including all connections to the sanitary sewer main. In addition, plans for the abandonment of the existing sanitary sewer main and existing connections and the provision of new facilities to serve the property must be submitted for review and approval. **As of July 17, 2002 the applicant has not submitted the requested plans for the abandonment of the existing sanitary sewer main and existing connections.**